

REMARKS/ARGUMENTS

Claims 1-4 and 19 remain pending and were examined. Re-examination and reconsideration of the claims, as amended, are respectfully requested.

In the office action, the Examiner withdrew the previous rejection and issued a new rejection of claim 1 and all claims dependent thereon as now being anticipated by U.S. Patent No. 4,445,892 to Hussein et al. Applicants respectfully traverse this rejection.

Applicants believe that the prior amendment to claim 1 that the closure element be "releasably carried" by the sealing catheter clearly and unambiguously distinguishes away from the teachings of Hussein et al.. The phrase "releasably carried by" or similar phrases such as "releasably secured to" have been used in mechanical patent applications for decades and have been routinely accepted as distinguishing structures where two components are not intended to be released or separated.

While Hussein teaches a balloon 136 that is attached to a tubule 124, it clearly does not teach a closure element that is "releasably carried" by a sealing catheter. To the contrary, in all embodiments, Hussein's balloon 136 is fixedly attached to its tubule 124. In fact, the walls of balloon 136 and tubule 124 are shown as being continuous. See Figs. 4 and 5 of Hussein. Simply put, Hussein's balloon 136 can not be released or separated from any portion of tubule 124 when it is fixedly attached to that tubule. If the balloon were somehow separated, it would deflate and cease to be a balloon. This problem notwithstanding, a separable balloon is in direct contradiction to Hussein's teaching of a balloon which has a unitary construction with tubule 124 so that "***there are no sealing joints which could break.***" Hussein, at Col 7, lines 32-34 (emphasis added).

For the above reasons, Applicants respectfully submit that claims are clearly novel over Hussein. Accordingly, withdrawal of the rejection is respectfully requested.

Appl. No. 10/765,380
Amdt. dated October 5, 2006
Reply to Office Action of 06/06/2006

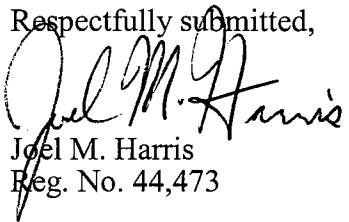
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CONCLUSION

In view of the above remarks, Applicants believe that all remaining claims are in condition for allowance and request that the Application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (650) 326-2400.

Respectfully submitted,



Joel M. Harris

Reg. No. 44,473

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
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